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Filing date: **12/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220510
Party	Defendant Jason Coleman and Jason Anfield
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Submission	Request to Withdraw as Attorney
Filer's Name	Nicholas D. Wells
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Signature	/Nicholas D. Wells/
Date	12/28/2015
Attachments	PLD003 SURF MUD--TTAB Withdrawal as Counsel.pdf(159333 bytes)

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Attorneys for Applicants
Jason Coleman and Jason Anfield

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EIR NYC LLC, Opposer, vs. JASON COLEMAN AND JASON ANFIELD, Applicants.	Opposition No. 91220510 Serial No. 86/335393 Mark: SURF MUD
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MOTION TO WITHDRAW AS REPRESENTATIVE

COMES NOW Nicholas D. Wells, counsel for Applicants Jason Coleman and Jason Anfield (collectively, “Applicants”), and hereby moves this honorable Board to permit Nicholas D. Wells, the law firm of Kirton McConkie (“KM”), and other KM attorneys assisting on this matter to withdraw as counsel for Applicants as permitted by 37 CFR § 2.19(b).

Applicants have ceased communicating with counsel and have not replied to any of counsel’s multiple attempts at correspondence over the last several weeks.

Without any correspondence from Applicants, counsel has indirectly learned from opposing counsel in a related but different proceeding that Applicants apparently intend

to retain new counsel in the matter. Despite multiple attempts at correspondence, counsel has been unable to confirm the veracity of this rumor.

In addition, Applicants have expressed an unwillingness to pay counsel's legal fees or a reasonable legal retainer to continue work.

Counsel asserts that this withdrawal will cause no prejudice to the rights of Applicants based on the current status of the proceedings.

Counsel affirms that counsel has notified the Applicants of the desire to withdraw from employment, and has allowed time for employment of another practitioner to be obtained.

Counsel affirms that counsel has delivered or will deliver to Applicants all papers and property in counsel's possession that relate to this proceeding and to which Applicants are entitled.

Counsel affirms that if any part of a fee paid by Applicants to counsel has not been earned, the unearned part has been refunded to Applicants.

WHEREFORE, Counsel for Applicants respectfully requests that this Motion to Withdraw as Representative be granted.

Dated: Salt Lake City, Utah
December 28, 2015

Respectfully submitted,

KIRTON MCCONKIE

By: /s/Nicholas D. Wells

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December, 2015, I served a copy of Applicant's MOTION TO WITHDRAW AS REPRESENTATIVE on the attorney for the Opposer, as designated below, by placing said copy in the United States Mail, first class, postage prepaid, addressed as follows:

LUKE W. DEMARTE
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By: /s/Nicholas D. Wells

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